

OHIO ARCHAEOLOGICAL COUNCIL NEWSLETTER

Volume 4, Number 2

May, 1992

Editor's Comments

If it seems that the last issue of the Newsletter only just arrived, you are right. The last issue was about two months late. So goes transition.

Donald R. Bier, Jr.

President's Message

The Board of Directors met March 20th. A lengthy agenda was covered. I will only touch upon a few of the 30-plus items discussed. In my last message I indicated that the Board was developing a policy concerning OAC involvement in legal actions. I presented a draft policy to the Board and it was modified to read: "During any calendar year the Ohio Archaeological Council shall not spend more than 20% of its cash assets in litigation on actions in another state without approval of the membership." Other language pertaining to a spending limit on legal actions within Ohio was deleted. Generally, the Board felt that it should remain as flexible as possible on spending for intra-state legal actions.

The Circuit Court of Kanawha County, West Virginia, has ruled against the Council for West Virginia Archaeology's suit against the State of West Virginia in the Cotiga Mound matter. West Virginia Council President and OAC member Dr. Robert Maslowski was disappointed with the decision, but feels that some positive results came from the suit and discussions surrounding this matter. An appeal is planned. The OAC has contributed \$1000 to the Council for West Virginia Archaeology for legal expenses. I have asked Bob to write an article for the August Newsletter summarizing this matter.

Planning for the November 20-21 Conference continues. On behalf of the OAC I submitted an application for an Ohio Humanities Council grant for portions of the Conference. We will be notified June 25th or soon thereafter of the OHC's decision. We requested funds for activities associated with a teacher's workshop, the keynote speaker, Conference brochures, and program evaluators. Our grant request was for \$4634. I want to thank the Conference Planning Committee, primarily the Education Committee, for the work they have and will continue to put in on this project. Special thanks go to Project Director and Education Committee Chair Bob Genheimer, Conference Coordinator Bill Dancey, and Grants Committee Chair Shaune Skinner.

On February 6th, OAC member and Attorney at Law Brad Baker and I met with August Pust, Governor Voinovich's Special Assistant for Multicultural Affairs, concerning the need to establish a process within which state legislation on the treatment of human remains from antiquity can be discussed. The Native American Concerns Committee recommended this approach. Brad and I found Mr. Pust attentive and receptive to our ideas, but it was clear that at this time the Governor's Office is leery of sponsoring a task force or other process to bring all parties together to discuss the issues. Mr. Pust has worked with Native Americans on other social and economic issues and was generally familiar with the issues. I believe the Governor's Office can be of help in addressing the issues, such as endorsing a discussion process and guidance, but it is unlikely that they will go much further. I continue to develop contacts in the Governor's Office on this matter.

On March 17th, Brad and I also met with David McCoy, Acting Director and Legislative Representative of the Ohio Council of Churches, concerning human remains legislation. The OCC has been working with Native Americans on this issue. This too was a good meeting. It is apparent that the OCC is supportive of many social and economic initiatives of the Native American community. Mr. McCoy was very receptive to our concerns and we will keep in touch. It seems that there is a lot going on right now with the human remains issue. The May 9th conference sponsored by The Ohio Center for Native American Affairs should be an interesting exchange of ideas. I will try my best to keep up with the action and report it to you here and elsewhere.

Speaking of here, as you know Don Bier has resigned as Newsletter Editor. Don has given us four good years. We should all be appreciative of his efforts. But, unless someone steps forward in the next few months to take Don's place, meaning that it primarily

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will be their responsibility to produce the Newsletter, it is conceivable that the Newsletter will cease to exist, at least as we know it. I and the Board want to continue the Newsletter, but we need your help. Please contact me, Vice President Brad Lepper, or Don Bier if you are interested.

Al Tonetti

Ohio Historic Preservation Office

STATE LEGISLATION

A revised version of House Bill 274, the Ohio Historic Preservation Act, has been sent to the Legislative Services Commission for review following a meeting with the bill's sponsor, Rep. Michael Stinziano (D-Columbus). This draft culminates a year-long effort to revise the bill to incorporate the concerns of affected groups and agencies. Once this draft has been transformed into appropriate legislative language, copies will be distributed to these groups and agencies. For more information contact Franco Ruffini, Deputy State Historic Preservation Officer.

ARCHAEOLOGY GUIDELINES

Revisions to and editing of the Archaeology Guidelines is nearly complete. They soon will be distributed to the Archaeology Guidelines Committee and others for review. For more information contact Franco Ruffini.

OAI MICROFILMING PROJECT

Microfilming of Ohio Archaeological Inventory and Preliminary Documentation forms has been completed for Adams through Franklin Counties. These forms are currently housed in the Ohio Historic Preservation Office. The rest of the forms remain in the Archaeology Laboratory of the Education Division. Completion of microfilming is expected early in 1993. To access the forms for review and compliance purposes contact Terry Skiba, Review Services Assistant. To access the forms for other reasons, such as academic research, or for more information contact Al Tonetti, Archaeology Manager.

AWARDS

Each year the Ohio Historic Preservation Office recognizes achievements in historic preservation by presenting awards in two categories: Public Education and Awareness, and Preservation Merit. The Public Education and Awareness Award is for increasing interest in historic preservation. Eligible activities include, but are not limited to, media, newsletters, publications, interpretation, original research, educational programs, and special events which have substantially increased public understanding and awareness of historic preservation at the local, regional, or state level.

The Preservation Merit Award is for preserving Ohio's prehistory, history, architecture, or culture. Eligible activities include, but are not limited to, restoring, rehabilitating, or otherwise preserving an important site, longtime stewardship of a property, promoting protective legislation, funding preservation projects, offering leadership, support, or service, and furthering preservation at the local, regional, or state level.

Individuals (other than employees and trustees of the Ohio Historical Society and members of the Ohio Historic Site Preservation Advisory Board), organizations, businesses, and public agencies are eligible for awards. Anyone may submit a nomination. The deadline for nominations is July 15. Winners are chosen by a selection committee comprising members of the OHSPAB and OHPO staff. Awards are presented at the Ohio Historical Society Annual Meeting in September. For nomination forms or more information contact the Ohio Historic Preservation Office at (614) 297-2470 or write Ohio Historic Preservation Office Awards, 1982 Velma Avenue, Columbus, OH 43211-2497.

NPS PUBLICATIONS

National Register Bulletin 39, "Researching a Historic Property," explains the basics of collecting historical information for nominating a historic building, structure, site, or district to the National Register of Historic Places. Bulletin 39 is designed to be used in conjunction with Bulletin 16, "Guidelines for Completing the National Register of Historic Places Forms." Although Bulletin 39 indirectly addresses researching the historic record for information about historical archaeological sites, it is nonetheless a very useful publication for anyone dealing with historical archaeological properties. A "General Guide to Sources," both primary (original and archival) and secondary, is included in Bulletin 39. This guide is a concise annotated list of the kinds of information needed and available when researching a historical archaeological property. It is annotated by type of material, i.e., building permits, commercial histories, insurance and tax records, etc.; sources, i.e., municipal building inspector, head offices of companies, insurance company offices, tax assessors, etc.; potential information yielded, i.e., alterations, histories of local industries and businesses, dates of construction, drawings and plans, etc.; and possible application to National Register nomination, including applicability to Criterion D, "properties that have yielded or may be likely to yield information important in prehistory of history," under which most historical archaeological properties are nominated.

Draft Bulletin 42, "Evaluating and Nominating Historic Mining Sites," offers a framework for assessing the significance of mining sites. It also intends to establish basic parameters for use in identifying mining sites worthy of preservation. Mining sites are defined as any site or associated works constructed for the extraction of minerals or constructed to support the

extraction, benefaction (initial upgrading of ore to increase its value), and refining of minerals. Draft Bulletin 42 contains the following sections: Introduction, Developing Historic Contexts, Identification, Evaluation, Documentation and Registration, and Select Bibliography. Mining sites are particularly complex historical archaeological properties and Draft Bulletin 42 should be of interest to anyone working with mining sites in Ohio, especially in Ohio's coal mining region.

For copies of National Register Bulletins contact The U.S. Department of the Interior, National Park Service, Interagency Resources Division, P.O. Box 37127, Washington, D. C. 20013-7127.

"Columbus Quincentennial Projects: A Directory," was recently published. The directory lists more than 200 educational programs, exhibits, films, festivals, and publications offered by the National Park Service and other bureaus of the U.S. Department of the Interior in observance of the quincentennial year of 1992. All of the projects were designed in relation to the theme of "Continuing Encounters," an examination and exploration of 500 years of cross-cultural exchanges and encounters in the Americas. The projects emphasize the diversity of America's cultures and landscapes. The directory can obtained from the National Park Service, Public Information Office, Room 1013, Department of the Interior, 1849 C Street, NW, Washington, DC 20240, (202) 208-4747. For more information about any of these publications contact Al Tonetti, Archaeology Manager.

Compiled by Al Tonetti

Grants Committee Update

The Grants Committee has been fairly active since the last OAC meeting. In addition to our questionnaire, the Grants Committee assisted the Education Committee with their preparation for the up and coming OAC conference. A request was sent to the Ohio Historic Preservation Office for financial assistance. The OHPO determined that due to budget restrictions they were not able to assist the OAC in the form of cash but offered to assist in other ways including sponsorship, a newsletter article and labels. The Grants Committee Chair worked closely with the Education Chair and President to prepare and submit an application to the Ohio Arts Council requesting financial assistance for the conference. At the last OAC meeting the Grants Committee was asked to consider funding research in memorial of Patricia Essenpreis. The Board of Trustees authorized the award of \$1000.00 to fund the grant this calendar year. The grants committee is now accepting grants for the Patricia Essenpreis Memorial Grant. This grant will be awarded to anyone showing continuation of Dr. Essenpreis's work or research, and work in areas to which Pat devoted much of her professional interests (including but not limited to Hopewell and Fort Ancient studies). For the convenience of those interested in applying, an OAC Grants Application form is enclosed.

Please send applications to the attention of the Grants Committee Chair, Shaune M. Skinner. Applications for this grant will be accepted until July 8, 1992.

Shaune M. Skinner, Grants Committee Chair

Native American Graves Protection and Repatriation Act

A Summary for the Ohio Archaeological Council

NOTE: This summary is for informational purposes only. The summary is based on the text of the Act. Implementing rules have not been promulgated yet by the Department of the Interior. The summary is not intended as legal advice. Interested parties are encouraged to seek legal counsel to resolve any issues presented by the Native American Graves Protection and Repatriation Act.

TITLE

Native American Graves Protection and Repatriation Act. Public Law 101-601; November 16, 1990.

PURPOSE OF LAW

The Act requires museums and federal agencies to (1) inventory their collections of Native American materials, (2) identify, where possible, cultural affiliation of modern tribes to human remains, funerary objects, sacred objects, and objects of cultural patrimony, (3) and return (repatriate) certain of these objects to Indian descendants or tribal groups. This summary focuses on these requirements.

The Act also establishes a process to protect Indian burial sites on federal and tribal lands and prohibits illegal trafficking in Native American remains and cultural property. These provisions are not discussed in this summary. The Act is administered by the Department of the Interior through the Office of the Departmental Consulting Archaeologist.

APPLICATION OF THE LAW

This law applies to all federally-assisted museums, federal agencies other than the Smithsonian Institution, and federally recognized Indian tribes and Native Hawaiian groups. These terms are defined in the Act as follows:

"Museum" means any institution or State or local governmental agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Sec. 2(8).

"federal agency" means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution. Sec. 2(4).

"Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Sec. 2(7).

BASIC REQUIREMENTS OF THE LAW

Inventory of Native American Remains and Associated Funerary Objects.

The Act requires museums and federal agencies to inventory their holdings of Native American human remains and associated funerary objects. The purpose of the inventory is to establish the geographical and cultural affiliation of these items. The Act defines cultural affiliation as:

"cultural affiliation" means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group. Sec. 2.

The inventory should be completed in consultation with Indian tribes and Native Hawaiian groups. The product of the inventory should be an object by object listing of the museum's or agency's collection of Native American remains and any associated funerary objects. The Act does not define Native American remains, but does provide a definition of associated funerary objects:

"associated funerary objects" means objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects. Sec. 2(3)(A).

This inventory must be completed within five years of the enactment of the Law (by November 16, 1995), though museums that make a "good faith" effort to comply may be granted an extension. Upon completing the inventory, the museum or federal agency must notify each tribe that may be culturally affiliated to the institution's Native American holdings. The inventory shall also be published in the Federal Register.

 Summary of Unassociated Funerary Objects, Sacred Objects, and Cultural Patrimony.

The Act requires museums and federal agencies to compile a summary of their holdings of unassociated funerary objects, sacred objects and cultural patrimony. Unlike the inventory requirement discussed above, the summary does not need to be an object by object listing.

The summary can describe general categories of collections, their geographic and cultural affiliations if known, and means of acquisition by the institution.

The Act provides the following definitions:

"unassociated funerary objects" mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe. Sec. 2(3)(B).

"sacred objects" mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents. Sec. 2(3)(C).

"cultural patrimony" means an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group. Sec. 2(3)D).

The summary must be completed within three years of the enactment of the law (by November 16, 1993). The Act provides no extensions for completing these summaries.

3) Requests for Repatriation

If either the inventory or the summary establishes cultural affiliation of the human remains, funerary objects, sacred remains, or cultural patrimony, the museum or agency must expeditiously return such collections to the proper claimant. The Act provides no form of compensation to the museum or agency for this mandatory repatriation.

If the summary or inventory prepared by the museum or agency does not establish a cultural affiliation of the human remains and funerary objects, these objects can still be repatriated to the proper claimants if certain conditions are met. Such objects shall be returned:

"where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral tradition, historical, or other relevant information or expert opinion." Sec. 7(a)(4)(c).

Repatriation of unassociated funerary objects, sacred objects, and cultural patrimony shall occur, even if the summary and inventory process fails to establish cultural affiliation, if:

- A) the requesting party is a direct lineal descendant of an individual who owned the sacred object;
- B) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the tribe or organization; or
- C) the requesting Indian tribe or Native Hawaiian organization can show that the sacred object was owned or controlled by a member of the group and no identifiable descendant of that member exists.

 Sec. 7(5).

The burden of establishing these relationships is on the claimant. By establishing one of the above three criteria, the claimant raises a presumption of ownership in the sacred object or cultural patrimony. The museum or agency can overcome this presumption by establishing that it has a right of possession in the object(s). The Act defines "right of possession" to include:

possession obtained with the voluntary consent of an individual or group that had authority of alienation... The original acquisition of Native American human remains and associated funerary objects which were excavated, exhumed, or otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate culturally affiliated Indian tribe or Native Hawaiian organization is deemed to give right of possession to those remains. Sec. 2(13).

Right of possession gives the museum or agency good title to the disputed objects. Right of possession is only an issue with unassociated funerary objects, sacred objects, and cultural patrimony, not human remains or associated funerary objects.

4) Review Committee

The Act establishes a seven member committee to advise the Secretary of the Interior and to mediate disputes between interested parties. The composition of the committee includes three members representing the Indian community, three members representing the scientific and museum community, and one member appointed by the Secretary of the Interior.

5) Penalties

The Act provides for civil penalties for museums that do not comply with the law. There are no penalties included in the Act for violations by federal agencies or Indian groups.

IMPLEMENTING REGULATIONS

Final rules for enforcement of this Act should be completed by July, 1992. Watch the <u>Federal Register</u> for proposed and final rules.

Bradley K, Baker, Attorney at Law

Other Notes

Archaeology Education At OHS

The Ohio Historical Society has recently launched a new educational program, How Archaeology Works, to introduce secondary school students to the science of archaeology and to Ohio's significant American Indian heritage. We are targeting 7th grade classes so the program can integrate with courses in Ohio history that are required at that level; however, 5th and 6th grades have also participated. The program is not intended to train students to excavate sites on their own. It allows them to sample the procedures of modern archaeology so they can gain a greater understanding of scientific methods and an appreciation of what can be learned about and from the past. We also stress the preservation of cultural resources. In addition to the emphasis on developing and testing hypotheses, students also see the application of math (measuring, developing simple statistics) and language skills (writing concise field notes and final "reports").

The program begins when Craig Keener, an anthropology graduate student at OSU and the program instructor, visits the class at their school for an orientation prior to their trip to the Ohio Historical Center. Later, at the Center, their day-long activities begin with excavating a simulated archaeological site located just outside the building. Each class's "site", constructed by OHS personnel, includes a variety of features-a Fort Ancient refuse pit, hearth, flint-chipping activity area, and a partial posthole pattern of a Late Woodland house. Associated with these features are artifacts, animal bones, charcoal, and charred plant remains. While the floral samples are modern, the other cultural material is taken from the Society's undocumented collections. Thus the students have an opportunity to work with actual prehistoric specimens rather than with casts or replicas. The class divides into 12 three-student teams, with each team responsible for excavating a 1meter square unit, including taking measurements, making scale drawings, and recording their observations in their field notebook. This work and the subsequent activities are closely supervised by Craig and two OHS

volunteers, each of whom has archaeological field and lab experience.

After the excavations are completed, the students return to the classroom in the Center and examine the objects they have found and the information they have recorded. From their observations, each team draws conclusions about the people and the activities represented in their individual unit. During this process, the instructor emphasizes the interdisciplinary nature of archaeology. By pooling the information from all the teams, the class as a whole develops hypotheses interpreting their discoveries. The final component of the program is a tour of The First Ohioans exhibit. The students compare their collections and interpretations with those in the displays and draw conclusions from the data regarding their "sites's" relationship to the broader scheme of Ohio's prehistoric Indian cultures.

The program can currently accommodate eight classes; The most labor-intensive portion of the project has been the construction of the eight sites lying side by side, each of which is 1 meter wide and 12 meters long. We intend to rebuild them this summer to be ready for more classes in the fall. A grant from the Ohio Board of Regents funded a pilot version of the program; the current efforts are supported by grants from Conestoga, a support group affiliated with the Ohio Historical Foundation. Those funds have allowed us to purchase tools and supplies and a large (45' x 35') Weatherport, a quonset-like structure that is erected over the sites so the students can work regardless of the weather. The funds also provide a modest salary for the instructor. While the teachers and students have been quite enthusiastic about the program, we are in the process of developing more concise evaluation methods with which we can judge its effectiveness. At least we know the students recognize the difference between Indiana Jones and real archaeology.

> Martha Otto, Curator of Archaeology

Collections On the Move

Over the past four months, OHS archaeology staff and volunteers have moved the archaeological research collections to a new collection facility that will provide more space for expansion. The facility also includes lab space for collections processing and room for researchers. Don Bier has moved his office to the new location (614-261-1009), while Martha Otto will remain at the Ohio Historical Center. Anyone wishing to study portions of the Society's collections should contact Martha (614-297-2641).

Martha Otto, Curator of Archaeology

Staff Changes At ODOT-BES

Harry Murphy, formerly of the Ohio Department of Transportation, Bureau of Environmental Services is

now employed at the Center for American Archaeology at Kampsville, Illinois. He is involved in their Educational Program. His new address is C.A.A., P.O. Box 366, Kampsville, Illinois 62053.

Bruce Aument, Ph.D., most recently employed by Archaeological Services Consultants, Inc., has been hired to fill the vacancy created by Harry's departure.

Kolleen Butterworth

1992 Calendar Of Events

October 21-24: Southeastern Archaeological Conference

Little Rock, AR. Paper/symposia proposals due by August 1. See SAA bulletins for more information.

November 5-8: Eastern States Archaeological

Federation, Allegheny Valley Holiday Inn, Pittsburgh, PA. Contact Richard

L. George (412) 665-2600.

November 20-21: Ohio Archaeological Council: First

Discovery of America Conference
Ohio Historical Center, Columbus,
OH. Contact Bill Dancey at (614)

292-9770.

Officers, Trustees, Chairpersons

President															. AI	Tonetti
Vice Presi	dent														Brad	Lepper
Secretary		٠.			٠.	٠.			٠		٠				Mart	ha Otto
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Trustees .																
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D. Brose, B. Genheimer, S. Skinner, and K. Vickery

Committee Chairs:

Nomination	. Bruce Aument
Education	Bob Genheimer
Archaeological Services Review	David Brose
Grants	Shaune Skinner
Membership & Certification	Kent Vickery
Program Chair	Brad Lepper

Final Edit: May 7, 1992

Schedule For Submission:

<u>Deadline</u>	<u>Issue</u>
January 1st	February
April 1st	May
July 1st	August
October 1st	November

Editors:

Donald R.	Bier,	Jr.								(614) 297-2644
Al Tonetti										(614) 297-2470

Treasurer Sings DUES BLUES or I'M A MEMBER, SHE'S A MEMBER, WOULDN'T YOU LIKE TO BE A MEMBER TOO?

This may get me into deep "due-due," but due to circumstances which are not all that clear to me and, therefore, difficult to explain to you, not everyone received notification that their 1992 dues were due. On the other hand several people received multiple notices, and two people were kind enough to pay twice (I will return the voided checks). Complicating all of this is the policy of a surcharge on dues received after the deadline specified in the second notice. Some members have paid the surcharge. Under these circumstances it seems inappropriate to charge members a surcharge if they have not received a notice, and unfair to keep surcharges already paid by other members.

So if you do not find your name on the following list of paid members, please pay your dues (now \$15.00) by June 16, 1992. Payment after that date should include the \$5.00 surcharge, i.e., \$20.00. Those that have paid the \$5.00 surcharge will receive a refund. Please use the form included with this issue to provide information regarding your address and phone number. If you have any questions please contact me at (614) 297-2470.

In order to avoid this due-due next year, all dues mailings will be separate from other OAC mailings. Expect to see the first notice for 1993 dues sometime in November. Due be due be due!

> Baker, Brad Ericksen, Annette Pacheco, Paul Bergman, Chris Fassler, Heidi Pitner, Gavine Berres, Tom Freiss, Vicki Reichwein, Jeff Bier, Don Frye, Lori Rowe, Roger Blank, John Genheimer, Bob Rue, David Blosser, Jack Gibbs, Kevin Ruffini, Franco Bowen, Jeb Gremillon, Kristen Skinner, Shaune Brown, Jeff Hawkins, Rebecca Steiner, Pat Carskadden, Jeff Jones, Joy Sund, Kathy Clarke, Wes Mancz, Elizabeth Tonetti, Al Corso, Bob Maslowski, Bob Troy, Scott Cramer, Ann McDaniel, Gary Vickery, Kent Croninger, Patricia Mooney, Bill Dancey, Bill Nass, John Doershuk, John Orr, Marilyn

> > Otto, Martha

DuFresne, Ann

Franco Ruffini,

Send information you wish to have considered for inclusion in the Newsletter to the editor.

REMEMBER The OAC mailing address is:

Ohio Archaeological Council Post Office Box 02012 Columbus, Ohio 43202

